

Effective 5/10/2016

32B-11-210 Tasting provided by manufacturing licensee.

- (1) As used in this section:
 - (a) "Parcel" means the same identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes an improvement on that unit of property.
 - (b) "Taste" means an amount of an alcoholic product provided by a manufacturing licensee for consumption under this section.
- (2) A manufacturing licensee may provide for a tasting in accordance with this section.
- (3) Before conducting a tasting, the manufacturing licensee shall provide the department:
 - (a) evidence of proximity to any community location, with proximity requirements being governed by Section 32B-1-202 as if the manufacturing licensee were a retail licensee;
 - (b) a floor plan, and boundary map where applicable, of the premises of the manufacturing licensee, including any:
 - (i) consumption area; and
 - (ii) area where the person proposes to store, sell, offer for sale, or furnish an alcoholic product to be tasted;
 - (c) evidence that the manufacturing licensee is carrying public liability insurance in an amount and form satisfactory to the department;
 - (d) evidence that the manufacturing licensee is carrying dramshop insurance coverage in an amount and form satisfactory to the department; and
 - (e) any other information the commission or department may require.
- (4) A manufacturing licensee may not sell, offer for sale, or furnish a taste on any day during the period that:
 - (a) begins at midnight; and
 - (b) ends at 10:59 a.m.
- (5) A person who serves a taste on behalf of the manufacturing licensee shall complete an alcohol training and education seminar as if the person were employed by a retail licensee.
- (6)
 - (a) A manufacturing licensee shall establish a distinct area for consumption of a taste outside the view of minors on the licensed premises and in which minors are not allowed during the time period when tasting occurs.
 - (b) The distinct area for consumption for a taste established under this Subsection (6) shall be in the same building as where the manufacturing licensee produces alcoholic product, in a building on the same parcel as the building where the manufacturing licensee produces alcoholic product, or in a patio or similar area immediately adjacent to a building described in this Subsection (6)(b).
- (7)
 - (a) A manufacturing licensee shall have substantial food available that is served on the licensed premises to an individual consuming a taste.
 - (b) The commission may define what constitutes "substantial food" by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except that the rule may not require culinary facilities for food preparation that are equivalent to a restaurant or dining club.
- (8) A manufacturing licensee shall charge an individual for a taste and may not sell, offer for sale, or furnish a taste at less than the cost of the taste to a retail licensee.
- (9)
 - (a) A manufacturing licensee may provide a taste in more than one container except that the aggregate total of the taste in all of the containers may not exceed:
 - (i) 5 ounces of wine for a winery manufacturing licensee;

- (ii) 2.5 ounces of spirituous liquor for a distillery manufacturing licensee; or
 - (iii) 16 ounces of beer, heavy beer, or flavored malt beverages for a brewery manufacturing licensee.
- (b) A manufacturing licensee may not allow an individual to participate in more than one tasting within a calendar day.
- (10) A manufacturing licensee may provide a taste of alcoholic product that is:
 - (a) manufactured by the manufacturing licensee; and
 - (b) purchased by the manufacturing licensee from:
 - (i) a state store or package agency; or
 - (ii) for beer, the off-premise retail licensee described in Subsection 32B-11-503(4)(c).
- (11)
 - (a) A manufacturing licensee shall display in a prominent place in the location where tastes are consumed a sign in large letters that consists of text in the following order:
 - (i) a header that reads: "WARNING";
 - (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy can cause birth defects and permanent brain damage for the child.";
 - (iii) a statement in smaller font that reads: "Call the Utah Department of Health at [insert most current toll-free number] with questions or for more information.";
 - (iv) a header that reads: "WARNING"; and
 - (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is a serious crime that is prosecuted aggressively in Utah."
 - (b)
 - (i) The text described in Subsections (11)(a)(i) through (iii) shall be in a different font style than the text described in Subsections (11)(a)(iv) and (v).
 - (ii) The warning statements in the sign described in Subsection (11)(a) shall be in the same font size.
 - (c) The Department of Health shall work with the commission and department to facilitate consistency in the format of a sign required under this Subsection (11).
- (12) A manufacturing licensee shall provide educational information as defined by rule by the commission in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as part of the tasting.
- (13) A manufacturing licensee that conducts tastings under a scientific or educational use permit issued by the commission as of May 10, 2016, shall comply with this section by no later than December 31, 2016, in conducting a tasting. In accordance with Subsection 32B-10-206(1)(c), effective no later than January 1, 2017, the commission shall take action on a scientific or educational use permit used by a manufacturing licensee to conduct tastings.

Enacted by Chapter 266, 2016 General Session